

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 14, 2005. Applicants appreciate the Examiner's consideration of the Application. Claims 1-41 are pending, and Claims 8, 15, 23, 32, and 39 have been amended. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Objected to Claims

The Examiner indicated that Claims 8, 15, 23, 32, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. (Office Action, page 10, paragraph 2.) Claims 8, 15, 23, 32, and 39 have been amended to include the limitations of the base claim and any intervening claims. Certain amendments do not narrow the scope of the claims, and certain amendments are not required for patentability. Accordingly, Applicants respectfully request allowance of Claims 8, 15, 23, 32, and 39.

Section 102 Rejection

The Examiner rejects Claims 1-5, 9-12, 16-20, 25, 33-36, 40, and 41 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Application Pub. No. 2002/0114293 of Madour et al. ("*Madour*"). Applicants respectfully traverse this rejection for the reasons discussed below.

Applicants respectfully submit that *Madour* fails to disclose, or even teach or suggest, the elements specifically recited in Applicants' claims. For example, *Madour* fails to disclose, teach, or suggest the combination of elements specifically recited in Claim 1:

receiving a registration request from a mobile node, the mobile node communicating with a current packet controller function serviced by a packet data serving node;

determining whether the registration request comprises a previous access network identifier identifying a previous packet controller function; ...

determining whether the mobile node communicated with a previous packet controller function serviced by the packet data serving node.

The Examiner relies on the paragraph 11 of *Madour* to disclose "determining whether the registration request comprises a previous access network identifier identifying a previous

packet controller function.” (Office Action, page 2, paragraph 3.) Paragraph 11 of *Madour*, however, merely states:

It would be advantageous to have simpler method [*sic*] for performing a dormant hand-off in the CDMA 200 packet-data cellular telecommunications network, that takes advantage of the information already passed among the network's nodes for avoiding signalling associated with the transmission of redundant and unnecessary information.

That is, paragraph 11 of *Madour* merely discloses information already passed among the network's nodes. Paragraph 11 of *Madour*, however, fails to disclose, teach, or suggest a registration request comprising a previous access network identifier identifying a previous packet controller function. Accordingly, paragraph 11 of *Madour* fails to disclose, teach, or suggest “determining whether the registration request comprises a previous access network identifier identifying a previous packet controller function.”

Moreover, other passages of *Madour* also fail to disclose such a registration request. A passage of *Madour* at paragraph 28 states:

According to the preferred embodiment of the present invention, the A11 registration request message 132 comprises first an identification of the MN 110, such as for example the IMSI 127, and an indication parameter 134 informing the target PDSN 122 that a dormant hand-off is being performed for the MN 110. The indication parameter 134 may comprise a Data Ready to Sent (DRS) parameter set to zero (0), DRS=0, for providing that information, or alternatively any other Mobility Event Indicator (MEI).

That is, the passage of *Madour* discloses the contents of a registration request message, but fails to disclose, teach, or suggest a registration request comprising a previous access network identifier identifying a previous packet controller function. Accordingly, the passage of *Madour* fails to disclose, teach, or suggest “determining whether the registration request comprises a previous access network identifier identifying a previous packet controller function.”

The Examiner relies on the paragraphs 21 and 22 of *Madour* to disclose “the mobile node communicating with a current packet controller function serviced by a packet data serving node,” and “determining whether the mobile node communicated with a previous packet controller function serviced by the packet data serving node.” (Office Action, page 2, paragraph 3.) Paragraphs 21 and 22 of *Madour*, however, merely state:

a Packet Data Service Node (PDSN) receiving from the BSC/PCF a registration request for requesting packet data service provision, the

registration request comprising an identification of the MN and an indication that the MN is dormant;

wherein responsive to the receipt of the registration request message, the PDSN sends a registration reply message to the BSC/PCF for requesting an establishment of a traffic channel between the BSC/PCF and the MN.

That is, paragraphs 21 and 22 of *Madour* merely disclose requesting an establishment of a traffic channel in response to receiving a registration request message, but fail to disclose, teach, or suggest “the mobile node communicating with a current packet controller function serviced by a packet data serving node,” and “determining whether the mobile node communicated with a previous packet controller function serviced by the packet data serving node.”

Consequently, at a minimum, *Madour* fails to disclose, teach, or suggest the elements specifically recited in independent Claim 1. For similar reasons, *Madour* fails to disclose, teach, or suggest the elements specifically recited in independent Claims 9, 16, 26, 33, 40, and 41.

The dependent claims are allowable based on their dependence on the independent claims and further because they recite numerous additional patentable distinctions over the reference of the rejection. Because Applicants believe they have amply demonstrated the allowability of the independent claims over the reference of the rejection, and to avoid burdening the record, Applicants have not provided detailed remarks concerning these dependent claims. Applicants, however, remain ready to provide such remarks if it becomes appropriate to do so.

Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-5, 9-12, 16-20, 25, 33-36, 40, and 41.

Section 103(a) Rejection

The Examiner rejects Claims 6, 7, 13, 14, 21, 22, 26-31, 37, and 38 under 35 U.S.C. § 103(a) as being unpatentable over *Madour* in light of U.S. Patent No. 6,876,640 to Bertrand et al. (“*Bertrand*”). Applicants respectfully traverse this rejection for the reasons discussed below.

As discussed above, *Madour* fails to disclose, teach, or suggest the elements specifically recited in independent Claim 1. For similar reasons, *Madour* fails to disclose,

teach, or suggest the elements specifically recited in independent Claims 6, 7, 13, 14, 21, 22, 26-31, 37, and 38, even in light of *Bertrand*.

Accordingly, Applicants respectfully request reconsideration and allowance of Claims 6, 7, 13, 14, 21, 22, 26-31, 37, and 38.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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